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SUBJECT: GUATEMALAN VP STEIN MEETS WITH SFRC STAFFER SIMON

REF: (A) GUATEMALA 2180 (B) GUATEMALA 2192

1. Summary and introduction: Guatemalan Vice President Eduardo Stein received Jennifer Simon, visiting professional staff member of the Senate Foreign Relations Committee, at the presidential palace August 24. Stein outlined GOG plans for salvaging CICIACS, explained the GOG's position on compensating the former paramilitary and answered Simon's questions about retraining recently demobilized members of the military. End summary.

2. CICIACS: Stein told Simon and the Ambassador that the Berger administration had not expected the Constitutional Court ruling against CICIACS to be so tough, but President Berger and his inner circle remained committed to the concept. He said that the GOG's point man on CICIACS, Transparency Commissioner Mario Fuentes-Destarc, was reviewing the text of the GOG's agreement with the UN. The intention was to determine whether something similar to CICIACS could be established, meeting the concerns of the Constitutional Court while maintaining the strength and independence of CICIACS as originally conceived. Stein concluded that, "with or without the UN, we need something like CICIACS" to make headway on the organized crime and clandestine groups plaguing Guatemala. (Note: Prior to this meeting, Fuentes-Destarc told us that the concept was to appoint to the Public Ministry a "super-prosecutor," nominated by civil society and staffed by international experts. See ref A.)

3. Ex-PACs: Stein bluntly admitted that the administration was "deeply divided" over the issue of paying compensation to the ex-PACs (Guatemala 2148). He noted that the Congress had not yet sent the recently approved legislation to President Berger but, once it did, he would have 15 days to veto the bill or allow it to become law. Stein said the registry of ex-PACs that had been submitted to MINUGUA listed up to 246,000. He thought that if this number went no higher, the GOG could still afford the payments, but he noted that some ex-PACs were claiming more than 750,000 were eligible for compensation. There were at least three major legal problems with the legislation, Stein noted, implicitly suggesting that a presidential veto (and blowback) could be avoided by sending the bill to the Constitutional Court for review.

4. UNHCHR Office: The Ambassador noted that the Human Rights Committee in the Guatemalan Congress had issued a report recommending approval of an agreement with the UNHCHR to establish an office in Guatemala. The measure was still awaiting the approval, however, of the Foreign Relations Committee. Stein said that President Berger, upon learning that the measure did not yet have the votes for approval in committee, had asked GANA members and allies to walk out of the committee earlier the same day, leaving the committee without a quorum and effectively suspending its vote on the measure.

5. Presidential Chiefs of Staff (EMP) records turned over to the Human Rights Prosecutor (PDH): Simon praised the access provided by the GOG for the human rights community to review EMP records. Although Stein modestly downplayed the import of the documents, Simon stressed the symbolism in terms of transparency, commitment and government priorities.

6. Military downsizing: Simon asked about retraining for military who had been separated as a result of downsizing. Stein explained what the GOG was providing through a transition center with IOM assistance.

7. Ms. Simon did not have the opportunity to clear this cable before departing. Ref B reports on the rest of Staffdel Simon's visit to Guatemala.

HAMILTON